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07 UNITED STATES DISTRICT COURT
08 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09 UNITED STATES OF AMERICA,) CASE NO.: CR02-374-JCC
10 Plaintiff,)
11 v.) SUMMARY REPORT OF U.S.
12 ANGELA DELINA BANCHERO,) MAGISTRATE JUDGE AS TO
13 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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15 An evidentiary hearing on supervised release revocation in this case was scheduled before
16 me on September 19, 2005. The United States was represented by AUSA John J. Lulejian for
17 Douglas B. Whalley and the defendant by James M. Roe. The proceedings were recorded on
18 cassette tape.

19 Defendant had been sentenced on or about May 30, 2003 by the Honorable John C.
20 Coughenour on a charge of Conspiracy to Distribute Cocaine and Heroin and sentenced to 15
21 Months Custody, 5 years Supervised Release. (Dkt. 395)

22 The conditions of supervised release included requirements that defendant comply with all
23 local, state, and federal laws and with the standard conditions of supervision. Other special
24 conditions included no firearms, narcotic addiction or drug dependency treatment and testing,
25 refrain from alcohol and other intoxicants, submit to search, provide financial information to
26 probation officer, and no new credit without authorization.

01 Defendant's probation officer reported on November 1, 2004 that defendant had used
02 cocaine and percocet by testing positive for those substances. As this was her first positive test
03 since commencing supervision, it was recommended that no action be taken at the time. (Dkt.
04 542).

05 On January 25, 2005, the defendant's probation officer reported that defendant had tested
06 positive for cocaine on November 23, 2004 and December 7, 2004, her third and fourth positive
07 drug tests since commencing supervision. The defendant was reprimanded and testing and
08 counseling were increased. (Dkt. 544)

09 In an application dated September 1, 2005, U.S. Probation Officer Jennifer J. Tien alleged
10 the following violation of the conditions of supervised release:

11 1. Failing to report for urinalysis testing on July 14, 2005, August 2 and 11, 2005 in
12 violation of the special condition of drug aftercare.

13 2. Using cocaine on or before August 29, 2005 and August 31, 2004 in violation of
14 the standard condition #7.

15 3. Failing to participate in drug after care treatment as directed by her U.S. Probation
16 officer in violation of the special condition of drug aftercare. (Dkt. 629)

17 In an application dated September 9, 2005, U.S. Probation Officer Jennifer J. Tien alleged
18 the following violation of the conditions of supervised release:

19 4. Driving under the influence of alcohol on May 20, 2005 in Seattle, Washington,
20 in violation of the general condition that she not commit any federal, state or local crimes.

21 Because this charge is still pending in the state court below, the government **amended** the
22 violation to read "Being arrested and charged with Driving under the influence of alcohol on May
23 20, 2005 in Seattle, Washington in violation of the general condition that she not commit any
24 federal, state or local crimes." If defendant is convicted of this charge in the state court, the
25 parties acknowledge that the government will file a supplemental violation notice charging the
26 commission of the offense of Driving under the influence of alcohol.

01 5. Using alcohol on May 20, 2005 in violation of the special condition that she abstain
02 from the use of alcohol during the term of supervision.

03 6. Using cocaine on or before September 7, 2005 in violation of standard condition
04 #7.

05 7. Driving on a suspended license on September 7, 2005 in violation of the general
06 condition that she not commit any federal, state or local crimes. (Dkt. 633)

07 Defendant was advised in full as to those charges and as to her constitutional rights.

08 Defendant admitted each of the alleged violations (including amended violation number
09 4) and waived any evidentiary hearing as to whether they occurred.

10 I therefore recommend the Court find defendant violated her supervised release as alleged
11 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
12 set before Judge Coughenour.

13 Pending a final determination by the Court, defendant has been detained.

14 DATED this 19th day of September, 2005.

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17 Mary Alice Theiler
18 United States Magistrate Judge

19 cc: District Judge: Honorable John C. Coughenour
20 AUSA: John J. Lulejian, Douglas B. Whalley
21 Defendant's attorney: James M. Roe
22 Probation officer: Jennifer J. Tien
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